IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Crl.Rev.Pet.No. 168 of 2007()

CRA.152/2002 of ADDL. SESSIONS COURT (ADHOC), PATHANAMTHITTA
CC.107/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT, THIRUVALLA

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REVN. PETITIONER/APPELLANT/ACCUSED:

VARGHESE CHACKO @ RAJU
PARANGAMOOTTIL HOUSE, VALAKUZHI
EZHUMATTOOR.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS/RESPONDENTS/COMPLAINANT:

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1. VARGHESE MATHEW, AZHAKANAPRAYIL
VALIYAKUNNAM, VALAKKUZHI, EZHUMATTOOR.

2. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -31.

R1 BY ADV. SRI.P. HARIDAS
R2 BY PUBLIC PROSECUTOR SRI.C.K. SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.R.P.No. 168 of 2007

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Dated this the 12th day of January, 2007

O R D E R

This revision petition is directed against the concurrent verdict of guilty, conviction and sentence in a prosecution under Section 138 of the N.I. Act.

2. When this revision petition came up for hearing, the learned counsel for the respondent/complainant asserts before this Court and has filed a statement to the effect that the complainant has compounded the offence and this revision petition can be disposed of on the basis of the composition. The petitioner is said to be in prison. I am, in these circumstances, satisfied that such statement can be accepted without insisting as usual on a signed statement of the complainant.

3. The offence under Section 138 of the N.I. Act is now compoundable after the amendment to the N.I. Act. I am satisfied, from the submissions made at the Bar and the statement filed by the counsel for the complainant, that the parties have settled their disputes amicably. I find no reason not to accept the composition.

4. In the result:

(a) The statement filed by the counsel for the complainant that the the complainant has compounded the offence is accepted.

(b) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Section 138 of the N.I. Act as stipulated under Section 320(8) Cr.P.C.

© Consequently, this revision petition is allowed. The impugned judgments are set aside. The petitioner is said to be in custody undergoing the impugned sentence. He shall forthwith be released from custody, if his detention is not required in connection with any other case.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R. BASANT)
Judge

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